

JUN 24 2005

Attorney Docket No.: SEQ-4031-UT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Gail I. ADAM and Maria L. LANGDOWN	
Application No.: 10/608,296	Examiner: To Be Assigned
Filed: 27 June 2003	Group Art Unit: To Be Assigned
Title: Diagnosing Predisposition of Fat Deposition and Associated Conditions	
Attorney Docket No.: SEQ-4031-UT	

**COMMUNICATION REGARDING SUBMISSION OF PREVIOUSLY FILED
PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT
UNDER 37 C.F.R. § 1.181(a)**

Mail Stop: Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

VIA FACSIMILE: 703-872-9306

Sir:

The undersigned attorney requests that the Petition Division consider the submission of the attached documents retroactive to the date of December 6, 2004 or December 7, 2004, when they were filed with the Office by facsimile. The reason for the request for retroactive acceptance is as follows.

On December 6, 2004, the attached Petition to Withdraw Holding of Abandonment and supporting documents were filed by facsimile at (703) 872-9306. When the confirmation report was received, it was determined the number of pages listed as transmitted did not match the number of pages in the filing. Immediately following receipt of this report, the documents were filed again via facsimile on December 7, 2004.

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Attached is a copy of the filing on December 6, 2004 and December 7, 2004, and a copy of each confirmation report is attached to the end of the filing. The confirmation report at the very end of the attachment shows all 26 pages were received by the Office on December 7, 2004.

Applicants respectfully request that the Abandonment be withdrawn under 37 C.F.R. § 1.181(a) in accordance with the attached Petition.

It is believed that no fees are due in connection with this submission other than the surcharge fee with the Notice to File Missing Parts. However if the Patent Office determines that an extension and/or other relief is required, the undersigned attorney petitions that the Office contact him immediately at (858) 623-9470.

Respectfully submitted,

By 

Bruce D. Grant

Reg. No. 47,608

Telephone No.: 858 623-9470

Facsimile No.: 858 623-9476

Email: bruce@biotechnologylawgroup.com**CERTIFICATE OF MAILING PURSUANT TO 37 CFR § 1.8:**

The undersigned hereby certifies that this correspondence is being transmitted to facsimile no.: (703) 872-9306 at Mail Stop: Petitions, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date of Deposit: JUNE 24, 2005

Typed Name: Bruce D. Grant

Signature: 

JUN 24 2005

Attorney Docket No.: SEQ-4031-UT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Gail I. ADAM and Maria L. LANGDOWN	
Application No.: 10/608,296	Examiner: To Be Assigned
Filed: 27 June 2003	Group Art Unit: To Be Assigned
Title: DIAGNOSING PREDISPOSITION OF FAT DEPOSITION AND ASSOCIATED CONDITIONS	
Attorney Docket No.: SEQ-4031-UT	

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 C.F.R. § 1.181(a)

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This petition is in response to a Notice of Abandonment issued by the Office on October 21, 2004 for failure to reply to a Notice to File Missing Parts mailed on September 24, 2003.

Applicants respectfully request that the Office withdraw the holding of abandonment as the

Notice to File Missing Parts never was received, as described in further detail hereafter.

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REMARKS

The Applicants respectfully request that the Office withdraw the holding of abandonment under 37 C.F.R. § 1.181(a) on the basis that the outstanding Notice to File Missing Parts was not received in time to file a response within the statutory period.

The Notice to File Missing Parts was not received by the Applicants' former representatives and a search of the file jacket and docketing records indicated that the Notice to File Missing Parts never was received. As evidence of non-receipt, attached as Exhibit A is a copy of the docket record for November 24, 2003, where the shortened statutory deadline for filing a response to the Notice to File Missing Parts would have been present had it been received. Thus, the Notice to File Missing Parts never was received from the Office and Applicants respectfully request that the Office withdraw the holding of abandonment.

This Petition is timely filed as it is submitted within two-months from the date the Notice of Abandonment was mailed by the Office.

Applicants file herewith a duly executed Declaration and surcharge fee of \$65.00 to fulfill the requirements of the Notice to File Missing Parts for the purpose of expediting prosecution. Also filed herewith is a Power of Attorney and Statement under 37 CFR 3.73(b) with a copy of an Assignment.

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It is believed that no fees are due in connection with this submission other than the surcharge fee with the Notice to File Missing Parts. If the Office, however, determines that an extension and/or other relief is required, Applicant requests that the Office contact the undersigned immediately at (858) 623-9470.

I hereby certify that this correspondence is being transmitted to the USPTO via facsimile at (703) 872-9306.

Date of Deposit: December 7, 2004

Typed Name: Bruce D. Grant

Signature: 

Respectfully submitted,

By 

Bruce D. Grant

Reg. No. 47,608

BioTechnology Law Group

658 Marsolan Avenue

Solana Beach, California 92075

Telephone No.: 858 623-9470

Facsimile No.: 858 623-9476

Monday, November 24, 2003

MORRISON & FOERSTER LLP
Morrison & Foerster Actions Due Docket

Term	Action Due	Deadline	Action	Docket #	Country	Application #/Date	Section	Sub Status	Billing	Work	Asses	Asses	MoFo Office
Monday, November 24, 2003													
11/24/2003	11/24/2003	1-0A Resp Filed		21800-20283.47	China P.R.	998071528	5/21/1998 Filed	Client Pays MF/Am	KHM1	KHM1	JM3		SD San Diego
HETEROCYCLIC COMPOUNDS AND METHODS TO TREAT CARDIAC FAILURE AND OTHER DISORDER													
PTAR 11/24/2003		Miss Parts Mail Date		21900-20297.00	United States	10654,840	9/3/2003 Filed		KHM1	CAF2			SD San Diego
INDOLE-TYPE DERIVATIVES AS INHIBITORS OF P38 KINASE													
PTAR 11/24/2003		IDS Due		22000-20662.01	United States	10705,791	11/10/2003 Filed		GPE2	GPE2			SD San Diego
A METHOD FOR INHIBITION OF PHOSPHOLAMBAN ACTIVITY FOR THE TREATMENT OF CARDIAC DISE													
11/24/2003		Annuity Ntc Abandon		27801-20015.42	Canada	2423656	9/28/2001 Filed		KHM1	JM3			SD San Diego
METHODS AND COMPOSITIONS FOR ENHANCING ANGIOGENESIS													
11/24/2003		Annuity Ntc Abandon		27801-20017.42	Canada	2423875	9/28/2001 Filed		KHM1	JM3			SD San Diego
METHODS FOR DETECTING VASCULOPATHIES AND TUMORS													
11/24/2003	12/22/2003	1-0A Resp Filed		27801-20030.42	Canada	2127295	1/11/1993 Inactive	Transferred	KHM1	JM3			SD San Diego
PEPTIDE LINKAGE UNIT COMPRISING METHYLENE PHOSPHONIC ACID													
11/24/2003		File DivCon Appl?		29500-20030.06	United States	09/733,741	12/8/2000 Granted	Allowed	KHM1	KHM1			SD San Diego
PER CLIENT'S 10/27/2003 EMAIL, CLIENT DOES NOT WISH TO FILE DI FOLLICLE STIMULATING HORMONE-GLYCOSYLATION ANALOGS													
11/24/2003	11/24/2003	1-0A Resp Filed		29500-20050.48	China P.R.	951907492	8/11/1995 Filed		KHM1	KHM1			SD San Diego
SINGLE-CHAIN FORMS OF THE GLYCOPROTEIN HORMONE QUARTET													
11/24/2003	11/24/2003	1-0A Resp Due		31177-20005.47	pean Patient Conve	989649884	12/31/1998 Inactive	Abandoned	GHM1	KR21			SD San Diego
2) DD OF 12/9/2003 (W/10-DAY GRACE) IS NOT EXTENDABLE: PIGMENTED RETINAL EPITHELIAL CELLS FOR CREATION OF AN IMMUNE PRIVILEGE SITE													

EXHIBIT A

Monday, November 24, 2003

MORRISON & FOERSTER LLP
Morrison & Foerster Actions Due Docket

Item	Action Due	Deadline	Action	Docket #	Country	Application #/Date	Status	Sub Status	Billing Party	Agent	Ass't	MoFo Office
11/24/2003	Ltrs Patent Rcvd			31177-20006.48	South Africa	20016251 3/20/2000	Granted		GHM1 KRZ1			SD San Diego
METHODS OF TREATING SCHIZOPHRENIA												
PTAR 11/24/2003	Miss Parts Mail Date			31276-20039.00	United States	10655.607 9/3/2003	Filed		KHM1 KHM1			SD San Diego
HOMOCYSTEINE ASSAY ADAPTABLE TO SCREENING												
PTAR 11/24/2003	Suppl. IDS Filed			35559-20002.00	United States	10042.766 1/8/2002	Filed		LAA2 KHM1			SD San Diego
SYSTEMS AND METHODS FOR EVALUATING PATIENT-SPECIFIC INFORMATION AND PROVIDING												
PTAR 11/24/2003	Miss Parts Mail Date			36109-20006.22	United States	10655.393 9/3/2003	Filed		KHM1 KHM1			SD San Diego
PREFERENTIALLY SUBSTITUTED CALCIUM CHANNEL BLOCKERS												
11/24/2003	Annuitiy Due			39144-20003.54	Japan	2404955 12/21/1990	Granted	Client Pays MF Ann	KHM1 KHM1			SD San Diego
LINKED CYCLIC POLYAMINES ACTIVE AGAINST HIV												
11/24/2003	1-OA Resp Filed			39144-20029.55	Hungary	9601918 7/12/1996	Filed	Client Pays MF Ann	KHM1 CAF2			SD San Diego
N,N-DIETHYL-8-0-PROPYL-2-AZASPIRO[4.5]DECANE-2-PROPANAMINE DIMALTEATE SALT												
11/24/2003	Chapter 2 Demand Due			43272-20035.40	enl Cooperation In PCT/US03	4/24/2003	Filed		KHM1 KHM1			SD San Diego
PER CLIENTS INSTRUCTIONS DATED 10/17/2003 THEY DO NOT WISH IDENTIFICATION OF COMPOUNDS WHICH STIMULATE BONE FORMATION USING A CELL-BASED												
PTAR 11/24/2003	Resdctd Resp Filed			45699-20002.21	United States	10043.787 1/10/2002	Filed		KHM1 PXC5			SD San Diego
METHODS AND COMPOSITIONS FOR ASSAYING HOMOCYSTEINE												
11/24/2003	Published ?			47541-20008.00	United States	100155.935 5/24/2002	Inactive	Translated	LAA2 LAA2			SD San Diego
IS6110 BASED DIRECT MOLECULAR DETECTION OF MYCOBACTERIUM TUBERCULOSIS												

Monday, November 24, 2003

MORRISON & FOERSTER LLP
Morrison & Foerster Actions Due Docket

Term	Action Due	Deadline	Action	DocId#	Country	Application #/Date	Status	Sub Status	Billing	Work	Assg	Assg2	Mofo Office
11/24/2003	Published ?			47541-20012.00	United States	10/155,666 5/24/2002	Inactive	Transferred	KHM1	LAA2			SD San Diego
COMPOSITIONS AND METHODS FOR PERFORMING HYBRIDIZATION ASSAYS USING TARGET													
PTAR 11/24/2003	Notice Allow Mail Date			47544-20012.10	United States	09/805,664 3/13/2001	Filed	Allowed	GPE2	GPE2			SD San Diego
METHOD FOR IDENTIFYING MICROBIAL PROLIFERATION GENES													
11/24/2003	1-OA Resp Filed			51158-20026.43	pearl Patent Come	998517402 9/30/1989	Inactive	Abandoned	KHM1	JAM3			SD San Diego
2) DEADLINE INCLUDES 10 DAY GRACE PERIOD:													
PTANS: TESTIS-SPECIFIC PROTEINS EXPRESSED IN PROSTATE CANCER													
11/24/2003	Published ?			52401-20004.40	ent Cooperation Tr	PCT/CN02/ 9/18/2002	Filed	Monitoring Case	KHM1	PXC5			SD San Diego
METHODS AND COMPOSITIONS USING NEURGUIN FOR REDUCING CARDIOTOXICITY OF													
11/24/2003	Published ?			52401-20005.40	ent Cooperation Tr	PCT/CN02/ 5/24/2002	Filed	Monitoring Case	KHM1	PXC6			SD San Diego
THE EFFECT AND APPLICATION OF NEUREGULIN IN REDUCING THE CARDIAC TOXICITY INDUCED													
PTAR 11/24/2003	Assignment Filed			52431-20007.00	United States	10/376,949 2/28/2003	Filed		KHM1	CAF2			SD San Diego
NUCLEOSIDE 5'-MONOPHOSPHATE ANALOGS AND THEIR PRODRUGS													
11/24/2003	IPER Due			52441-20004.46	South Africa	20023277 10/25/2000	Filed	Allowed	KHM1	KHM1			SD San Diego
MICROBE, MICROBIAL EXOPOLYSACCHARIDE AND USES THEREOF													
PTAR 11/24/2003	Published ?			52459-20033.00	United States	10/215,554 8/8/2002	Filed		KHM1	RCK2			SD San Diego
METHOD AND SYSTEM FOR PURCHASING GENETIC DATA													
11/24/2003	Published ?			52459-20033.40	ent Cooperation Tr	PCT/US03/ 5/20/2003	Filed		KHM1	RCK2			SD San Diego
METHOD AND SYSTEM FOR PURCHASING GENETIC DATA													

Monday, November 24, 2003

MORRISON & FOERSTER LLP
Morrison & Foerster Actions Due Docket

Term	Action Due	Deadline	Action	Docket #	Country	Application #/Date	Status	Sub Status	Billing	Words	Assg	Assg2	MoFo Office
11/24/2003			With Opinion Mail Date	63251-20007.40	enl Cooperation Tr	PCT/US09 3/26/2003 Filed			KHM1	KHM1			SD San Diego
													PARAMAGNETIC PARTICLES THAT PROVIDE IMPROVED RELAXIVITY
11/24/2003	2/24/2004	Appeal brief - 2 month extensi		53273-20002.00	United States	08/872,527 6/11/1997 Filed			KHM1	PXC5			SD San Diego
			2). FILED RCE ON 11/24/2003.										CELLULAR VACCINES AND IMMUNOTHERAPEUTICS AND METHODS FOR THEIR PREPARATION
11/24/2003		Request Continued Exam		53273-20002.00	United States	08/872,527 6/11/1997 Filed			KHM1	PXC5			SD San Diego
													CELLULAR VACCINES AND IMMUNOTHERAPEUTICS AND METHODS FOR THEIR PREPARATION
11/24/2003		Supl Amd Filed		53273-20002.00	United States	08/872,527 6/11/1997 Filed			KHM1	PXC5			SD San Diego
													CELLULAR VACCINES AND IMMUNOTHERAPEUTICS AND METHODS FOR THEIR PREPARATION
11/24/2003		Declaration Filed		53273-20002.00	United States	08/872,527 6/11/1997 Filed			KHM1	PXC5			SD San Diego
													CELLULAR VACCINES AND IMMUNOTHERAPEUTICS AND METHODS FOR THEIR PREPARATION
11/24/2003		Declaration Filed		53273-20002.01	United States	09/216,062 12/18/1998 Filed			KHM1	PXC5			SD San Diego
													CELLULAR VACCINES AND IMMUNOTHERAPEUTICS AND METHODS FOR THEIR PREPARATION
11/24/2003		Request Continued Exam		53273-20002.01	United States	09/216,062 12/18/1998 Filed			KHM1	PXC5			SD San Diego
													CELLULAR VACCINES AND IMMUNOTHERAPEUTICS AND METHODS FOR THEIR PREPARATION
11/24/2003		Supl Amd Filed		53273-20002.01	United States	09/216,062 12/18/1998 Filed			KHM1	PXC5			SD San Diego
													CELLULAR VACCINES AND IMMUNOTHERAPEUTICS AND METHODS FOR THEIR PREPARATION
11/24/2003	4/23/2004	Power of Attorney filed		54916-20001.64	South Africa	20033138 10/29/2001 Filed			KHM1	KHM1			SD San Diego
													NOVEL GLYPHOSATE N-ACETYL TRANSFERASE (GAT) GENES

Monday, November 24, 2003

MORRISON & FOERSTER LLP
Morrison & Foerster Actions Due Docket

Term	Action Due	Deadline	Action	Docket #	Country	Application #/Date	Status	Sub Status	Billing	Work	Assis	Ass2	MoFo Office
11/24/2003	Draws Filed	1/20/2004	Draws Filed	54916-20003.41	Argentina	P03010394 10/22/2003 Filed			KHM1	BDG3			SD San Diego
PER FAX DATED 10/23/2003 DRWS DUE:													
11/24/2003	Nbl Filing Fee Pd			56446-20018.67	Brazil	P10208517 5/24/2002 Filed		Client Pays MF/Am	GPE2	GPE2			SD San Diego
11/24/2003	Translation Filed			56446-20018.67	Brazil	P10208517 5/24/2002 Filed		Client Pays MF/Am	GPE2	GPE2			SD San Diego
11/24/2003	Back Taxes Due			56446-20018.68	Canada	2441866 5/24/2002 Filed		Client Pays MF/Am	GPE2	GPE2			SD San Diego
11/24/2003	Nbl Filing Fee Pd			56446-20018.68	Canada	2441866 5/24/2002 Filed		Client Pays MF/Am	GPE2	GPE2			SD San Diego
11/24/2003	Nbl Filing Fee Pd			56446-20018.69	China P.R.	02813270 5/24/2002 Filed		Client Pays MF/Am	GPE2	GPE2			SD San Diego
11/24/2003	Translation Filed			56446-20018.69	China P.R.	02813270 5/24/2002 Filed		Client Pays MF/Am	GPE2	GPE2			SD San Diego
11/24/2003	Nbl Filing Fee Pd			56446-20018.72	Japan	200259246 5/24/2002 Filed			GPE2	GPE2			SD San Diego
11/24/2003	Translation Filed			56446-20018.72	Japan	200259246 5/24/2002 Filed			GPE2	GPE2			SD San Diego

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Morrison & Foerster Actions Due Docket

Item	Action Due	Deadline	Action	Docket #	Country	Application #/Date	System	Sub System	Billing	Work	Asst	Mgr	Office
11/24/2003	Transition Filed			56446-20018.73	South Korea	102003701 5/24/2002 Filed			GPE2	GPE2			SD San Diego
11/24/2003	Not Filing Fee Pd			56446-20018.73	South Korea	102003701 5/24/2002 Filed			GPE2	GPE2			SD San Diego

PHYTASES, NUCLEIC ACIDS ENCODING THEM AND METHODS FOR MAKING AND USING THEM